IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

FAO.No. 222 of 2006()

AGAINST THE ORDER DATED 19/11/2005 IN EA.342/02, EP.14/98 IN OS.20/1997 of SUB COURT, OTTAPPALAM

.....

APPELLANT/PETITIONER-JUDGEMENT DEBTOR IN EP:-

SHAHUL HAMEED,
S/O.ABDUL AZEEZ RAUTHER,
ARIYOOR THEKKUMURI DESOM, OTTAPALAM AMSOM,
OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS: DECREE HOLDER

THE CATHOLIC SYRIAN BANK LTD.,
OTTAPALAM.

BY ADV. SRI.C.A.JOY

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

FAO.NO.222/2006

ORDER ON IA.NO.3560/2006 IN FAO.NO.222/2006

DISMISSED

Sd/- P.R.RAMAN, JUDGE.

25/09/2007 Sd/- V.K.MOHANAN, JUDGE.

P.R.RAMAN & V.K.MOHANAN, JJ.

F.A.O.NO.222 OF 2006

Dated this the 25th day of September, 2007

JUDGMENT

Raman, J.

This is an appeal against an order dismissing the application filed under Order XXI Rule 90 for setting aside the sale of the property. The respondent herein as plaintiff obtained a decree against the appellant/judgment debtor and on execution thereof the property belonging to the judgment debtor was brought to sale and the decree holder himself purchased the property.

2. When the matter was taken up for consideration, it was submitted by the learned counsel appearing on behalf of the respondent/decree holder that the matter was settled between the parties, the decree amount has been deposited by the judgment debtor before the court below and expressed no objection for setting aside the sale.

3. Accordingly, in the light of the above submission and since the amount is already deposited, the sale is set aside and the amount in

deposit is permitted to be withdrawn by the decree holder.

Appeal is allowed as above.

P.R.RAMAN,
Judge.

V.K.MOHANAN,
Judge.

kcv.